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Legal Protection of Confidential Know-How as a Tool for Improving Innovativeness of Enterprises

Roman Bieda¹¹Polish Academy of Sciences, Poland

ABSTRACT

Confidential know-how, including confidential technological, marketing, and commercial information, constitutes a significant intangible asset of a business in the contemporary economy. Legal protection of know-how is one of crucial factors that facilitate the development of innovativeness and the economy based on knowledge. Legal protection of know-how ensures return of research and development investments, which, in turn, is conducive to economic growth. In consideration of the need for Europe-wide uniform protection of know-how, the European legislator adopted Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. This article is a critical analysis of the principles of confidential know-how that result from the Directive and the principles of know-how protection in the Polish legal system.

KEYWORDS Know-how; innovation; intellectual property law

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